



## **Ordinance Number 557**

### **AN ORDINANCE AMENDING CHAPTER 192 OF THE CODE OF THE TOWN BY ALLOWING THE TOWN MANAGER TO MODIFY THE AREA TO BE RESTORED AFTER EXCAVATION**

Sponsored By: 1st District Councilman John Jaremchuk Jr.

First and Second Reading:  
June 14, 2012

Results: Passed 7 In Favor, 0 Opposed

Third and Final Reading:  
July 12, 2012

Results: Passed 7 In Favor, 0 Opposed

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**WHEREAS**, the Mayor and Council have been requested to allow contractors to request some discretion in the area that must be restored after excavation has occurred.

### **NOW THEREFORE BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE TOWN OF ELSMERE AS FOLLOWS:**

That Section 192-19 Restoration of Chapter 192 of the Code of the Town of Elsmere be amended by adding a new subsection "F" to read as follows.

F. Any contractor feeling that the requirements of subsection "E" of this subsection are excessive for the project being applied for may request to meet with the Town Manager and present facts to support their position.

After reviewing the facts presented by the contractor should the Town Manager determine that the requirements of subsection "E" could be amended for a particular project while not having a negative impact upon the Town, the Town Manager may modify the restoration work required to be performed.

Any modification of the restoration work granted by the Town Manager shall be in writing and attached to the permit. The decision of the Town Manager shall be final.

\_\_\_\_\_  
June 14, 2012  
First and Second Reading

\_\_\_\_\_  
July 12, 2012  
Third and Final Reading

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Deborah A. Norkavage, Mayor

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Joann I. Personti, Secretary

Approved as to form:

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Town Solicitor

## **SYNOPSIS**

### **ORDINANCE 557**

This Ordinance allows the Town Manager to modify the restoration requirement when excavation work occurs if the contractor is able to show that the restoration work required in section 192-19 E is excessive for a particular project.

### **Fiscal Impact:**

None